

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Bogdan Maglich
Appl. No.	:	09/883,851
Filed	:	June 18, 2001
For	:	METHOD AND APPARATUS FOR NEUTRON MICROSCOPY WITH STOICHIOMETRIC IMAGING

PETITION FOR PERMIT TO DISCLOSE OR MODIFICATION OF SECRECY ORDER
PURSUANT TO 37 C.F.R. § 5.5

Director, Special Laws Administration
Attention: Licensing and Review
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

The above-referenced patent application is currently under a Secrecy Order mailed October 18, 2002, a copy of which is enclosed herein. Pursuant to 37 C.F.R. § 5.5, Applicant respectfully requests a permit to disclose or modification of the secrecy order to allow disclosure of the above-referenced patent application to U.S. Government agencies, departments, and national laboratories, Tier I Defense Suppliers (including Boeing, Lockheed Martin, and L3 Communications), the National Science Foundation, and the University of California.

The following facts are provided in support of the petition for a permit to disclose the above-referenced application:

1. As supported by the "Declaration of Thomas R. Pascoe," a copy of which is enclosed, the reason or purpose for the proposed disclosure of the above-referenced application is to enable Applicant to conduct activities directed towards developing the technology of the application to the benefit of Homeland Security by entering into U.S. Government contracts, submitting

Appl. No. : 09/883,851
Filed : June 18, 2001

proposals for U.S. Government funding grants, raising funding, negotiating strategic partnerships, and conducting further work.

2. As further described in the "Declaration of Thomas R. Pascoe," failure to grant the petition for disclosure of the above-referenced patent application will result in harming National Security by delaying the development of a technology having significant value to the U.S. Government in its efforts to improve Homeland Security.

3. As further described in the "Declaration of Thomas R. Pascoe," failure to grant the petition for disclosure of the above-referenced patent application will result in irreparable harm to the assignee of the above-referenced patent application, HiEnergy Technologies, Inc.

4. As further described in the "Declaration of Thomas R. Pascoe," prior to its receipt of the Secrecy Order, HiEnergy Technologies, Inc. has disclosed the subject matter of the above-referenced patent application in numerous grant proposals to various U.S. Government agencies, the U.S. military, and various non-military organizations, including most recently the U.S. Transportation Security Administration.

5. The subject matter of the above-referenced patent application is already in the public domain since it has been published on September 30, 1999 under the Patent Cooperation Treaty as International Publication No. WO 99/49311 (PCT Application PCT/US99/03491), a copy of which is enclosed herein. This foreign application was filed on February 19, 1999, in accordance with a foreign filing license granted on March 16, 1998 with respect to U.S. Provisional Application No. 60/075,037 which was filed on February 18, 1998.

6. The subject matter of the above-referenced patent application is already in the public domain since it has been filed on August 18, 2000 with the Japanese Patent Office in Japanese Patent Application No. 538,230/2000 and was published on March 12, 2002 as Japanese Publication No. 507,746/2002, a copy of which is enclosed herein. This Japanese Patent Application was a national phase filing from PCT Application PCT/US99/03491.

7. The subject matter of the above-referenced patent application is already in the public domain since it has been filed on February 17, 1999 with the Australian Patent Office in Australian Patent Application No. 1999/49516 and was published on October 18, 1999 as Australian Publication No. 4,951,699A1. This Australian Patent Application was filed in accordance with a foreign filing license granted on March 16, 1998 with respect to U.S. Provisional Application No. 60/075,037 which was filed on February 18, 1998.

Appl. No. : 9/883,851
Filed : June 18, 2001

8. The subject matter of the above-referenced patent application is already in the public domain since it has been filed on September 14, 2000 with the European Patent Office in European Patent No. 99 933 468.2 and was published on January 31, 2001. This European Patent Application was a national phase filing from PCT Application PCT/US99/03491.

9. The subject matter of the above-referenced patent application is already in the public domain since it has been filed on August 14, 2000 with the Canadian Intellectual Property Office in Canadian Patent Application No. 2,321,063 which was a national phase filing from PCT Application PCT/US99/03491.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

12/12/02

By: _____

Bruce S. Itchkawitz
Registration No. 47,677
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

H:\DOCS\BSI\BSI-3384.DOC
121202